/132 cont'd/
588 Chinese of Honan, accompanied by an uncle of the lady formerly
593 married to the belt, accosted Hou Iu-leang and reproached him for having taken his wife. The latter no longer recognized the individual; but, since he had a witness, since the child was formerly called by his name and the mother had also born this name, the supposed husband felt himself very much within his rights and threatened Mr. Hou with a lawsuit.

/133/ Hou, fearing the heavy expenses of the Chinese courts and not sure of a fair verdict, preferred to settle the affair amicably. He called upon the heads of the village and those of his clan, and the conclusion was that Hou had to pay the unknown man 80 strings of cash and that the father who had sold his daughter had to offer him a sheep and make apologies to him. This story thus proves that this category of marriages is officially recognized among the T'ou-jen.

/134/ Chapter IV

Divorce, Repudiation, Exchange of Wives

586 One can expect divorces and repudiations, owing to the too
184 great freedom which exists between the sexes. These two forms of termination of marriage rarely occur when there are several children in the family. Repudiation occurs more rarely than divorce, and the latter is not so frequent as one might suppose at first sight. Let us still remember that divorce and repudiation, like all the great acts
671 of life, marriage, adoption, etc., are effected without the intervention of law courts. As long as they can arrange things among themselves, they do not resort to the law; they call upon its help when all other means of conciliation are exhausted.

/134 cont'd/

A. Divorce

586 Summary. -- 1. Right of divorce, theory and practice. 2. Causes of divorce. 3. Procedure.

1. Right of Divorce, Theory and Practice

Divorce among the T'ou-jen takes on a special character, that of the sale of the wife by the husband with her consent. The definition of divorce is fully realized in it: the dissolving of the marriage ties in view of the respective interests of the husband and wife.

[562] /135/ In theory the wife's right to separate from her husband and ask for divorce is not recognized; the reason for it is that the wife is considered as the pure and simple property of the husband who bought her. On the contrary, the husband's right, in theory, to send his wife away, to sell her with her consent, as well as to do it in spite of her, is recognized. Moreover, he has the right to repudiate her by sending her back to her parents.

[614] 627 586 Although this theory has the force of law, I have nevertheless known the case of a rich woman bringing suit through the head of the clan, the t'ou-se, to obtain a divorce. An only daughter, when very young she had married a poor young man who had come to live at her home and serve her parents until their death. Now the husband-son-in-law in question was dissipating her fortune. The clans of the girl's mother and father as well as the elders of the village together presented a petition to the t'ou-se in which they confirmed the facts and asked the t'ou-se to grant the divorce. The divorce was granted. They based their argument on the fact that the wife had been given to the husband-son-in-law in exchange for the good services he was to render to the parents-in-law and the family; now he had not been faithful to his pledges....

586 The case of divorce occurs in practice in the following form: when the couple are no longer getting along, the wife has already found, in most cases, someone who wants to obtain her. If she has not yet found anyone, the husband will urge her to look for someone

/135 cont'd/

586 and will if need be help her in the task. Thus the wife maintains face; she will be able to say that she did not want her husband any more, and he will not have any difficulties with his wife's family either, since it is the daughter who wanted to go away. In the end, the husband will even profit greatly by the sale of his wife. On the other hand, if the wife insists on not wanting to look for another match, the husband will be patient and will not resort to repudiation except as a last extreme. That is the ordinary course of the preambles to divorce.

/136/ 2. Causes of Divorce

593 The causes of divorce appear to be more or less numerous.
586 The primary and most ordinary cause is certainly interest in another person, which brings on mutual and daily increasing aversion between the husband and wife. A wife can fall and that is understood; the husband will even allow his wife not to come home at night from time to time, for he himself does not come home regularly every evening, either. Grounds for divorce require regular and therefore public relations.

626 Do not think, however, that husbands give complete freedom
837 to their wives; do not believe that all husbands are indifferent to
539 these things. They tell about a good many cases in which the wife and her lover, having been surprised at night, were tied together or tied to a stake, beaten, etc., by the heads of the village with whom
837 the husband had lodged a complaint. The families of the guilty ones
672 were called, they had to act as guarantors for their members; then the guilty man had to offer his apologies to the injured husband and give him a pig, a sheep, etc. The level of morality among the T'ou-jên has not yet fallen so low that they no longer know their duties and rights in these matters. So it is not rare to see a husband beat his wife and to hear the wife, on her knees, beg her husband, "Big brother, pardon me this time; big brother, treat me with indulgence this time, that won't happen any more." Now one does not ask pardon and one does not allow oneself to be beaten when one's conscience is clear.

/136 cont'd/

586 595 Polygamy often leads to divorce. The too marked attentions of the husband for the second wife embitter the official wife and make her look for another husband. Polygamy is the sure means foreseen by the husband to get rid of his wife whom he no longer loves in order to take another who is to his taste. Once the latter is married, the first will consent to being sold and will be forced indirectly to get another suitor. /137/

586 Bad treatment which a husband makes his wife undergo does not constitute grounds for divorce. Brutality of the husband can at the most force the wife to flee to her parents. Then the family, the maternal uncle at the head, will come to demand explanations and will require guarantees for the future; after which the wife will return home. If the brutality continues, the wife herself will look for another match, and they will proceed to divorce.

They do not divorce because of sterility but take a second wife. Bodily faults of the wife are rarely grounds for divorce. In this case, because it is hard for the wife herself to find a match; no other resort is left to the husband except repudiation.

A husband who has ascertained that his wife steals, wastes his property; etc., will try to make her life impossible and to force her indirectly to get a purchaser in order to be able to get a divorce. They are always afraid of repudiation.

In the case that the daughter-in-law does not get along with the mother-in-law, if the couple get along well together, they will try to have a division of the property so that they can live separately. If, on the other hand, the couple do not get along, they will proceed as in the preceding cases...and will be divorced.

Here again as everywhere else one perceives the shortcoming of the race. The pursuit of small profits manifests itself in everything. They will be patient for years, they will humiliate themselves as far as urging the wife to get another match, for the price of the sale of the wife is coveted above all. However, in the end this price will be determined in direct proportion, on the one hand, to the aversion felt for the wife, and on the other hand, to the wealth of the suitor, as well as to the passion he feels for the woman who

/137 cont'd/
586 is for sale. These prices are as a general rule higher than those paid for a widow or a girl.

The agreement is generally concluded in the following manner: /138/ After the husband and wife have consulted together and the wife has found a place to go, the husband invites to his house two go-betweens, his uncles, and his brothers. He admits to them that the situation is impossible and that he wants to get rid of his wife; that she has found a prospective husband and that she is in agreement with him. Several days later the go-betweens one evening invite "to their home" the husband, his uncles, his brothers, the wife's prospective husband, and two or three of his friends. They first discuss the price of the woman. For people of average means, the price will vary between 200 and 300 strings of cash. Then they talk over the sum demanded by the signers of the contract, who as always try to profit by these transactions. The amount of money these people claim is sometimes very considerable and can represent half of the woman's price; it is because as members of the family, they do not permit this dishonor. Then comes the discussion of the sum which will be given to the woman's parents-in-law, who are supposed to oppose the divorce also, for they especially are sensitive to this loss of face for the whole family. This sum can go from ten to 50 strings of cash. The money stipulated for a divorce is required up to the last cash. The prospective husband puts the money into the hands of the go-betweens, who will give it to those who have a right to it after the signing of the contract.

586 This contract will never be written in any house but in a re-
675 mote place, a ravine or a mountain cave. The first signer is the
587 husband. He must sign with the left thumb and the right toe; for this purpose they smear the thumb and toe with ink and put them on the contract; then come the other signers, who sign by hand. When the contract is signed, the go-betweens go to get the woman and present her to her new owner. After all is arranged and the wife is already in her new dwelling, the go-betweens go to pay a visit to the wife's parents in order to announce the new marriage of their daughter to them and to bring a little gift on behalf of the new

/138 cont'd/

586 son-in-law. At the same time they invite them /139/ to come to
675 the home of the new son-in-law to be present at the wedding, which
587 is conducted according to the custom for the marriage of widows.

The go-betweens have a rather easy task at the home of the wife's parents, since it is their daughter who has herself sought a match and has been the cause of the divorce.

586 It is superfluous to say that divorces are viewed with disfavor. They always advise against taking a wife whose husband is living, for one does not divorce a good wife. These are costly and very risky marriages in this sense, that often harmony does not prevail very long between the new husband and wife. Also the adage says: He who has money does not buy the wife of a husband who is still living; he who has cash does not acquire lands situated on river banks (for fear of erosion).

The cause of the rarity of divorces and repudiations is to be sought in the dishonor which T'ou-jen common sense believes to be attached to them. This thesis is easily proved by the fact that they precisely allege dishonor to the family in order to be able to extort a large sum of money from the purchaser. Now the T'ou-jen do not let go of their money without serious reason! This thesis is again proved by the really lugubrious circumstances which accompany divorce and repudiation; these contracts are signed at night...in a cave, signed by the toe..., while all those present talk only of dishonor.... Now these circumstances of time, place, manner are not those of an honorable act. These circumstances leave a deep impression on the people. In addition, they always speak of a divorced woman with scorn, and of the man who married her. When they say that she is a houo jen ts'i, i.e., "the wife of a living man," they do not ask any further explanation; the situation is deemed to be known.

When, on the other hand, one thinks an instant about the solemnities which accompany the weddings of girls, of the expenses which are borne, and the trouble the whole clan, /140/ the friends, and neighbors take to pay their respects; when one thinks of the blessings which are wished for the couple and begged from heaven and the multifarious spirits, it is not surprising that the T'ou-jen believe

/140 cont'd/

586 that marriage is not a commonplace act in a man's life, that it is not an affair of a few days or years, or that it is an act depending on the whims and passions of a moment. In order to understand this way of thinking one must take the facts as a whole. I think many authors speak too lightly of this question in ethnographies.

B. Repudiation

What we have called divorce is the sale of the wife by the husband, but with her consent and after she has found someone of her choice to marry.

Repudiation occurs when the husband no longer wants anything to do with his wife, so that he sends her back to her parents or her brothers or sells her in spite of her wishes. Repudiation rarely occurs; it is always very discreditable for the family as well as for the wife herself.

First the wife's parents see the material side in repudiation. Who will maintain the woman henceforward? The brothers and the sisters-in-law on their part are scarcely delighted with such a present; and then who else will want this unfortunate woman? The woman understands better than anybody her situation and her future, so she will insinuate through a third person that there is nothing left for her but suicide. Terrible weapon, which will make the husband stop and think.

586 672 When repudiation is decided upon, the family of the repudiated wife begins by demanding a large indemnity from their daughter's husband for the dishonor he does them, then a sum for the support of the woman. If need be, the whole family, /141/ men and women, will go and settle down at the husband's home to make an uproar for several days; or they will forcibly take away his livestock, etc. If the husband risks daring to sell the wife against her wishes, he will find it difficult to find someone to whom to sell her; the purchaser will also be afraid of reprisals from the woman's family. It is not easy to find people willing to write these contracts for an insignificant

M /141 cont'd/
586 sum or to find signers and go-betweens, for nobody wants to expose
672 himself to the vengeance of the family of the repudiated wife. I knew a case where all was ready for the repudiation of a woman who was claimed to be badly formed physically. Since the family was
M [762] rich, it was on the point of turning up its nose at all threats. At the last moment it changed its mind when it learned that the wife had just procured opium to end her life.

M Thus those who do not fear exposing themselves to such troubles
586 will repudiate their wives. Fortunately, these people are extremely
432 rare.

It must therefore be admitted that in this respect the T'ou-jen have not undergone the pernicious influence of their neighbors and masters, the Chinese, among whom repudiation and the sale of the wife often occur in normal times. One will never see T'ou-jen women sold in great numbers in time of famine as is seen in China even today. One will not meet T'ou-jen who will take a mortage on their wives, as I have seen happen twice among the Chinese. One will never see the T'ou-jen put a woman on the mountain of filial piety as I once saw done. Although with them the wife must work very hard, she is more highly esteemed and respected than in China.

M If, however, repudiation does take place, they begin by getting
586 go-betweens, who will go to consult with the wife's family. When the discussions have reached an end and the money demanded has been promised, the contract is written and signed as for divorce. The go-between, after bringing the promised sum to the family of the
M [858] repudiated woman, /142/ will go to get the latter and present her to her parents. The children in this case stay with the husband's family. (1)

HM
586

1. Timkovski, Voyage à Péking, Vol. 2, p. 313: (Mongols.) Divorce is very frequent; the least dissatisfaction on one side or the other is enough to have it declared. If the husband wants to be separated from his wife without a

/142 cont'd/

Mo 586 (earnest). They pay it back only in the case, if it is paid and the bride runs away with someone else just before the wedding. Such cases are absolutely exceptional... all this question must be reported to the clan. /Cited in English, with French interpolation, indicated by parentheses./

Mo 586 A case can occur in which the wife is the only guilty one. It is natural then that the wife's family does not require compensation, etc. I have never, however, heard it said that the guilty wife's family had to give back to the injured son-in-law the earnest received at the time of the marriage.

Mo 586 554 /143/ On the question of repudiation let us note that it is necessary to take account of many circumstances, of which one of the main ones is the economic status of the wife's family, the influence this family enjoys in the region, and above all the fact of having among its members people who will know how to cope with the husband's family in spite of everything. One must also take into account the power of the husband's family, which if it has influential protectors can allow itself to be prepared for all eventualities. In the Orient especially, it is not enough to have rights, it is necessary to be able to defend them.

C. Exchange of Married Women

Mo 437 593 587 I cannot pass by in silence the case of four families of Hong-ngai-tse-keou, who without recourse to divorce or repudiation got rid of their wives by mutually exchanging them, without further ceremony; the children remained in the families where they were born. All was arranged without go-betweens, contract, or expenses, by common agreement among those concerned.

These are the only cases of this practice which have come to my knowledge, and I think they are isolated cases which prove

/146 cont'd/

578 amuse herself... and has already had too many relations... one fine
593 day she disappears. This is the big affliction of the region. When a wife has run away, they immediately guess who her accomplice is; but it is necessary to be able to locate them. If the inquiries made about them are fruitless, after several days the son-in-law will go to his wife's family, pretending to believe that his dear better half is at their home and that he will find out about her return. This is also a way of informing the parents about their daughter's flight.

If after five or six months the fugitive has not come back, her parents require the son-in-law, accompanied by two aides, to go to get her at his expense; there is always some indication as to where she is. If they have exact information, they go to the headmen of the place to demand that they get hold of the fugitives so that they can bring them back home tied up.

684 Upon their return to the village, the village heads and the
627 members of the families of the lover and the wife are called. In the
681 presence of the whole populace, who very much relish this kind of distraction, the village heads begin the preliminary investigation of the affair. The case is examined to the bottom, and finally the lover is badly beaten and hung up by the thumbs until someone turns up who will act as guarantor for him. Then comes the woman, who is beaten on her bare back with leather lashes for as long as she does not manifest her regrets while adding good resolves for the future. Then the two culprits are taken through the village and exposed to the mockery of all; a herald precedes them, beating a drum and proclaiming their crime. It may happen that an indemnity on the part of the lover's family may be asked for the wrong done to the husband.

586 /147/ The wife goes back into the house; if she brings a child
681 born during the escapade, he is accepted into the family.

But it may also happen that the runaways are not found. Then after two or three years of vain search, the wife's parents demand a settlement of accounts. The parents-in-law then invite the parents of the runaway daughter-in-law, as well as her maternal uncles, the village heads, and several friends who are good speakers, for it will be a question of tseou che jen ming, i.e., "the indemnity (to the parents) for the loss of their daughter occasioned by her running away."

/147 cont'd/

586 Indeed, the parents claim that their daughter, as a consequence
681 of bad treatment on the part of the parents-in-law, was forced to leave home, ran away, and must have perished nobody knows where. The parents-in-law are therefore responsible for her death..., and the discussion begins. On both sides they are convinced that the daughter is just as guilty as the parents-in-law, if not more; they also know very well that the daughter is alive. Everyone understands that the parents want to profit by the occasion in order to raise money on the backs of their family by marriage. After long discussions, which can last two days and more, they end up by having to give to the parents of the runaway a sum of two to three hundred strings of cash as indemnity for the daughter-in-law, who is deemed to be lost. A contract is written by which it is recognized that the affair is shelved forever and that in the future the parents-in-law will no longer be able to try to pick a quarrel with the son-in-law nor extort money a second time...; furthermore, should the daughter return, they bind themselves to pay back the indemnity. As for this last clause, it is gone with the wind; the adage says besides: "Once the flesh has entered the wolf's mouth, it is not easy to pull it out again."

586 Nevertheless, if the daughter comes back after several years
583 with her lover, or if she has been taken and brought back forcibly,
681 they act as above with the runaways of this category; however they require more serious guarantees and a larger indemnity on the part of the lover's family. It happens very often that on /148/ this occasion they sell the woman to her lover if he has the wherewithal to pay for her. They likewise sell him the children born during the long absence. If the wife is not sold, she goes back to her home and is again admitted into the family circle with the children born to her while away, for, says the adage: "What grows on my land is mine and what my wife gives birth to is mine."

586 However one can believe that the parents are scarcely delighted
593 with such presents, especially when children are not lacking in their home. Indeed, the adage says: "The cow to be robust must run on the mountain, but it must come home to the stable." If the comparison is not elegant, it makes one think of the nomadic life. The

/148 cont'd/

Mo 586 593 children are accepted in the family to keep the daughter-in-law home better, say the T'ou-jen, and to avoid a second escapade. Then, if later one wants to get rid of them, one will send the boys to the lamasery to devote themselves to the service of Buddha; as for the girls, they will be given in marriage. I confess I have not met polyandry among the T'ou-jen.

Mo 548 Likewise, prostitution in the strict sense of the word is not known. Although there are the series of prayer-post wives and belt wives, they cannot be classed in this category. Indeed, they consider themselves as being married, and they are considered as such, and furthermore they hardly ply the trade of prostitutes. (1)

Ma [548]

1. Shirokogoroff, op. cit., p. 152: Prostitution as a social phenomenon among the Manchus is unknown. /Cited in English./

Mo 589 793 Celibacy is practiced solely by the lamas of the yellow sect, and the T'ou-jen furnish a sizable contingent to this religious body. They are the only bachelors among the T'ou-jen. There is no lamasery for women in the country; all the women without exception Mo [302] practice marriage under one or the other of the forms we have described above. It happens at the very most that one meets widows or women of advanced age who shave their heads and devote themselves especially to prayer while staying at home.

/149/

Chapter VI

The Matriarchate

006 Summary: -- A. Present-day patriarchal state. System of the large family. B. Former matriarchate proved by: (1) Double burial. (2) The relations of the maternal uncle with the family of his sister

N *563 M 604 over his sister's children. His rights in this regard are manifested mainly in three cases: (1) upon the natural death of his sister's children, they cannot be buried without his permission. The maternal uncle is considered "master of the bones" of the deceased, and has the right to permit the burial, to impede it or to prevent it. (2) If they have been murdered or have committed suicide, he is required to initiate and execute vengeance for the blood of his sister's child. (3) When they are subject to punishment for violating the society's rules, the maternal uncle must punish the children of his sister. Such punishment may range from capital to very minor forms.

N *563 M 586 Divorce is extremely rare among the Mongours. So, too, are cases of repudiation or desertion by the husband. Schram does not mention the way in which a divorce is finalized, nor how long a waiting period, if any, after divorce before remarriage is permitted.

N *563 M 837 Cases of adultery are extremely rare in Mongour society. The people are engrossed constantly with the problem of making a living, and they have little time for complicated affairs. The close physical proximity of life in an extended family makes it extremely difficult for anyone's lengthy absence or a stranger's presence in the home to go unnoticed. Schram concludes that

M [577] [184] [114] "The morality of the Mongours who live in villages and are occupied with farming, is undoubtedly on a higher standard than that of the nomad Mongols. Mongour families on the average seemed to me to be happy families that work hard but enjoy life."